

EXHIBIT “C”

From: powelllawassociates@fast.net
To: [Tomevi, Justin](#)
Subject: RE: BBT Johnson- Discovery Stipulation.DOCX
Date: Thursday, March 5, 2020 4:53:10 PM
Attachments: [03 05 2020 BBT Johnson- Discovery Stipulation.DOCX](#)

Marvin J. Powell, Esquire
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From: Tomevi, Justin <JTomevi@barley.com>
Sent: Tuesday, March 3, 2020 12:36 PM
To: powelllawassociates@fast.net
Subject: BBT Johnson- Discovery Stipulation.DOCX

Marvin,

For your review. I struggled a bit on how to structure this, so I would be open to your input. As discussed, I will be out this afternoon for a procedure on my back, but should be back in the office tomorrow afternoon and glad to discuss this further.

Thanks,

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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BARBARA JOHNSON,

Plaintiff,

v.

BRANCH BANKING AND TRUST
COMPANY, SUCCESSOR BY MERGER
TO SUSQUEHANNA BANK,

Defendant/Third-Party
Plaintiff,

v.

RICHARD A. JOHNSON, JR. and
VIRGINIA THOMAS

Third-Party Defendants.

CIVIL ACTION NO.: 2:17-CV-04490-JCJ

STIPULATION PURSUANT TO FRCP 29

Plaintiff, Barbara Johnson, and Defendant, Branch Banking and Trust Company, Successor by Merger to Susquehanna Bank, hereby stipulate to the following:

1. Plaintiff issued an Amended Rule 30(b)(6) Notice of Deposition and Subpoena *duces tecum* (the “Notice”) on February 11, 2020.
2. Defendant issued objections to the Notice on February 20, 2020 and the parties engaged in multiple efforts to resolve those objections.
3. All of the transactions at issue in the instant litigation occurred at Susquehanna Bank, prior to its acquisition by BB&T’s in late 2015.

REQUEST NO. 1

Admit that on January 21, 2015 Barbara Johnson signed a signature card, customer agreement, and deposit agreement with Defendant for Account No. 1001467314. (See Exhibit A)

REQUEST NO. 2

Admit that on January 21, 2015 Barbara Johnson signed a signature card, customer agreement, and deposit agreement with Defendant for Account No. 1001467314, having a mailing address of 321 Pemberton Road, Kennett Square PA, 19348 -2909 for the monthly bank statements. (See Exhibit A)

REQUEST NO. 3

Admit that on the Monthly Bank Statement dated February 17, 2015, Barbara Johnson's Account No. 1001467314, had the following names on said Monthly Bank Statement, Richard A. Johnson Sr. and Richard A. Johnson, Jr. (See Exhibit B)

REQUEST NO. 4

Admit that on February 17, 2015 when Richard A. Johnson Sr. was added to Plaintiff's Monthly Bank Statement for Account No. 1001467314 that Defendant *did not have* a signed signature card, customer agreement, and deposit agreement with Richard A. Johnson Sr.

REQUEST NO. 5

Admit that on February 17, 2015 when Richard A. Johnson Jr., was added to Plaintiff's Monthly Bank Statement for Account No. 1001467314 that Defendant did not have a signed a signature card, customer agreement, and deposit agreement with Richard A. Johnson Jr.

REQUEST NO. 6

Admit that on the Monthly Bank Statement dated June 11, 2015, for Barbara Johnson's Account No. 1001467314, that the mailing address for the monthly statements was changed from 321 Pemberton Road, Kennett Square PA, 19348 -2909 to 519 School House Road Kennett Square, 19348-2909 (See Exhibit C)

REQUEST NO. 7

Admit that on June 11, 2015 when the mailing address for the monthly statements was changed from 321 Pemberton Road, Kennett Square PA, 19348 -2909 to 519 School House Road Kennett Square, 19348-2909 for Account No. 1001467314 and that Defendant did not have authorization from Richard A. Johnson Sr. (See Exhibit C)

REQUEST NO. 8

Admit that on June 11, 2015 when the mailing address for the monthly statements was changed from 321 Pemberton Road, Kennett Square PA, 19348 -2909 to 519 School House Road Kennett Square, 19348-2909 for Account No. 1001467314, that Defendant did not have authorization from Richard A. Johnson Jr. (See Exhibit C)

REOUEST NO. 9

Admit that on June 11, 2015 when the mailing address for the monthly statements was changed from 321 Pemberton Road, Kennett Square PA, 19348 -2909 to 519 School House Road Kennett Square, 19348-2909 for Account No. 1001467314 that Defendant did not have authorization from Plaintiff, Barbara A. Johnson. (See Exhibit C)

REQUEST NO. 10

Admit that on May 29, 2015 that \$200,000 was withdrawn from Plaintiff's for Account No. 1001467314 by Richard A. Johnson, Jr. (See Exhibit D)

REQUEST NO. 11

Admit that on August 8, 2015 that \$100,000 was withdrawn from Plaintiff's for Account No. 1001467314 by Richard Johnson, Jr. (See Exhibit E)

REQUEST NO. 12

Admit that on May 29, 2015 Wendy C. Petrondi provided and signed a Cashier's Check No. 110967579 for \$200,000 payable to the order of Richard A. Johnson from Plaintiff's Account No. 1001467314. (See Exhibit F)

REQUEST NO. 13

Admit that on August 8, 2015 Wendy C. Petrondi provided a Cashier's Check No. 110991024 for \$100,000 payable to the order of Richard A. Johnson from Plaintiff's Account No. 1001467314. (See Exhibit G)

Respectfully Submitted,

Marvin J Powell
Attorney for Plaintiff

Dated: January 26, 2019

4. Plaintiff has expressed concern over the absence of certain Susquehanna Bank era documents.
5. The parties have concluded that the best approach to resolve the disputes and ensure clarity as to the available documents is to, by stipulation, define precisely, on the record, what BB&T has produced and what it does not have in its possession.
6. For Notice item 2 – 10, BB&T defines its contractual obligation for each item as governed by Plaintiff's Customer Agreement, Deposit Account Agreement, and Pennsylvania law.
7. For Notice items 11, 13, 14, 16, 17, 18, 22(k), 22(m), and 22(o) BB&T, after multiple searches, has nothing further in its possession than what was already produced in discovery or in the Orphan's Court Litigation, docketed at No. 1515-1782 in the Chester County Court of Common Pleas.
8. For items 22(a) and 22(b), BB&T has provided those previously. Richard Johnson Sr.'s Customer Agreement is dated June 29, 2012 and Richard Johnson Jr.'s Customer Agreement is dated May 2, 2013.
9. For items 22(g) and 22(h), BB&T, after multiple searches, has no Susquehanna Bank era employee job descriptions in its possession.
10. Plaintiff has withdrawn items 12, 15, 19, 20, 22(f), 22(i), 22(j), 22(l), 22(n), 22(p), 22(q), and 22(r).

Respectfully Submitted,

Date: _____

By: _____

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Powell Law Associates, LLC
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South Coatesville, PA 19320
Attorney for Plaintiff

By: _____

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